

135 Badgerys Creek Road, Bradfield NSW –
Biodiversity Assessment

Bradfield Corporation Pty Ltd

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Template 2.8.1

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Abbreviations

| Abbreviation | Description |
|------------------------------------|--|
| AOBV | Areas of Outstanding Biodiversity Value |
| BC Act | <i>Biodiversity Conservation Act 2016</i> |
| Biodiversity and Conservation SEPP | State Environmental Planning Policy (Biodiversity and Conservation) 2021 |
| DCCEEW | Commonwealth Department of Climate Change, Energy, the Environment and Water |
| DCP | Development Control Plan |
| DPE | Department of Planning and Environment (NSW State Government) |
| ELA | Eco Logical Australia Pty Ltd |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999</i> |
| EPI | Environmental Planning Instrument |
| HBT | Hollow-bearing tree |
| HBV | High Biodiversity Value |
| HTW | High Threat Weeds |
| LGA | Local Government Area |
| LLS Amendment Act | <i>Local Land Services Amendment Act 2016</i> |
| MNES | Matters of National Environmental Significance |
| PCT | Plant Community Type |
| Phase 2 DCP | Western Sydney Aerotropolis Phase 2 Development Control Plan |
| Precinct Plan | Western Sydney Aerotropolis Precinct Plan (May 2023) |
| SEPP | State Environmental Planning Policy |
| TEC | Threatened Ecological Community |
| Western Parkland City SEPP | State Environmental Planning Policy (Precincts – Western Parkland City) 2021 |
| WM Act | <i>Water Management Act 2000</i> |
| WoNS | Weeds of National Significance |

Executive Summary

This Biodiversity Assessment has been prepared by Eco Logical Australia Pty Ltd (ELA) for Bradfield Corporation Pty Ltd to support the proposed development of 135 Badgerys Creek Road, Luddenham NSW (the study area). This report describes the biodiversity values of the study area, confirms biodiversity certification, and assesses the consistency of the Project with the planning framework. The State Significant Development Application (SSDA) is to be assessed under Part 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) with the Department of Planning, Housing and Infrastructure (DPHI) as the determining authority.

The study area is identified as wholly biodiversity certified via the *Order to Confer Biodiversity Certification under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. On 25 August 2017, the *Biodiversity Conservation Act 2016* (BC Act) came into force, replacing the *Threatened Species Conservation Act 1995* (TSC Act). However, section 35 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 provides that:

Biodiversity certification that was conferred on land under Part 7AA of the Threatened Species Conservation Act 1995 and that was in force on the repeal of that Act is taken to be biodiversity certification conferred on the land under Part 8 of the new Act

Biodiversity certified land requires no further assessment of biodiversity values in accordance with Chapter 8 of the Biodiversity Conservation Act 2016 (BC Act).

Commonwealth approval for the Sydney Growth Centres Strategic Assessment Program Report was granted on 28 February 2012. As such, assessment of Matters of National Environmental Significance (MNES) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is also not required for development on biodiversity certified land.

Two (2) Plant Community Types (PCT), both in two condition states are present within the study area:

- PCT 3320 Cumberland Shale Plains Woodland (Moderate condition)
- PCT 3320 Cumberland Shale Plains Woodland (Poor condition)
- PCT 3975 Southern Lower Floodplain Freshwater Wetland (Moderate condition)
- PCT 3975 Southern Lower Floodplain Freshwater Wetland (Poor condition)

The majority of the study area contains previously cleared land. Some aquatic features (farm dam, ephemeral 1st order stream) as well as a mix of native and exotic vegetation are also present. All vegetation on the site is proposed to be removed.

This report demonstrates consistency with the planning framework, including controls under the Western Sydney Aerotropolis Phase 2 Development Control Plan (Phase 2 DCP), Precinct Plan (DPE 2023), BC SEPP 2021 and the Sydney Growth Centres SEPP 2006. Mitigation measures have been proposed within a separate Biodiversity Management Plan (BMP) (ELA 2025a) to guide activities such as vegetation clearing before, during and after construction activities to avoid accidental harm to fauna. If the recommended mitigation measures are implemented, impacts to flora and fauna will be appropriately managed.

1. Introduction

This Biodiversity Assessment Report has been prepared by Eco Logical Australia Pty Ltd (ELA) for Bradfield Corporation Pty Ltd to support the proposed State Significant Development Application (SSDA) for 135 Badgerys Creek Road, Bradfield NSW (the Project) located at 135 Badgerys Creek Road, Bradfield NSW (the study area). The study area is legally defined as Lot 7 in Deposited Plan (DP) 243457. This report describes the biodiversity values of the study area, confirms biodiversity certification and demonstrates consistency between the proposed SSDA and the relevant planning framework. This includes consistency with the Western Sydney Aerotropolis Precinct Plan (DPE 2023) and Western Sydney Aerotropolis Phase 2 Development Control Plan (Phase 2 DCP).

Table 1 describes the biodiversity assessment requirements set out in the SEARs issued for SSD-77458970 issued on 30 January 2025.

| Item | Description of requirement |
|--------------|--|
| Biodiversity | <ul style="list-style-type: none"> Assess any biodiversity impacts associated with the development in accordance with the <i>Biodiversity Conservation Act 2016</i> and the Biodiversity Assessment Method 2020, including the preparation of a Biodiversity Development Assessment Report (BDAR), unless a waiver is granted, or the site is on biodiversity certified land. If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification. |

1.1. Site Description

The study area to which this Report relates is referred to as 135 Badgerys Creek Road, Bradfield, which has direct interface with the Western Sydney International Airport (WSI). The total subject site comprises approximately 2.02 ha of primarily exotic grassland, with some native and exotic vegetation, a farm dam and ephemeral 2nd order watercourse. The future development will be located on either side of the 135 Badgerys Creek Road landholding to facilitate the retention of a watercourse that transects the middle of the site.

The Growth Centres Biodiversity Offset program, under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, applies to the study area. It is categorised as wholly biodiversity certified land. The location of the study area and proposed development layout is shown in Figure 1. Biodiversity certification is presented in Figure 2.

1.2. Project Description

The proposed development will seek consent for the redevelopment of the site, comprising:

- Enabling works including vegetation removal and earthworks;
- The construction of three buildings, comprising:
 - Residential use, including approximately 400 apartment units;
 - Hotel use, including approximately 450 hotel rooms;
 - Commercial use, including supermarket, food and drink and other commercial uses;
 - Medical centre use;

- Childcare centre use;
- Construction of two basement structures, including approximately 800 carparking spaces;
- Public domain upgrades, including:
 - Construction of an internal road;
 - A public plaza;
- Rehabilitation and augmentation of the existing riparian corridor;
- Landscaping embellishments on the ground level and within the built form; and
- Services augmentation as required.

1.3. Terms Used in this Report

The 'study area' refers to Lot 7 in Deposited Plan (DP) 243457 and is defined as a solid red border and defined in Figure 1. This refers to the land subject to the SSDA.



Figure 1: Location context

2. Statutory Framework

2.1. Commonwealth Legislation

Table 1: Commonwealth legislative context

| Act | Relevance to Project |
|---|--|
| <i>Environmental Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) | <p>The EPBC Act establishes a regime for assessing and regulating the environmental impact of activities (including development) where a Matters of National Environmental Significance (MNES) may be affected. Under the EPBC Act, any action which has, will have, or is likely to have a significant impact on a matter of MNES is defined as a “controlled action”, and requires approval from the Minister. The Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) is responsible for administering the EPBC Act.</p> <p>The process includes undertaking an Assessment of Significance for listed threatened species and ecological communities that represent a matter of MNES that will be affected as a result of the proposed action. The <i>Significant Impact Guidelines 1.1 – Matters of National Environmental Significance</i> (CoA 2013) provide overarching guidance on determining whether an action is likely to have a significant impact on a MNES.</p> <p>On 28th February 2012, the Commonwealth Minister for the Environment announced that the program of development activities within the Growth Centres was approved under the EPBC Act Strategic Assessment process. Specifically, all actions associated with the development of the Western Sydney Growth Centres as described in the Sydney Growth Centres Strategic Assessment Program Report (Nov 2010) have been assessed at the strategic level and approved in regard to their impact on the following Matters of National Environmental Significance:</p> <ul style="list-style-type: none"> • World Heritage Properties • National Heritage Places • Wetlands of International Importance • Listed threatened species and communities • Listed migratory species <p>These decisions indicate that the Commonwealth is satisfied that the conservation and development outcomes that will be achieved through the Western Sydney Growth Centres Program will satisfy their requirements for environmental protection under the EPBC Act.’</p> <p>As such, no further assessment of Matters of National Environmental Significance (MNES) is required under the EPBC Act for the development.</p> |

2.2. NSW State Legislation

Table 2: State legislative context

| Act | Relevance to Project |
|--|--|
| <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) | <p>The EP&A Act is the principal planning legislation for NSW. It provides a framework for the overall environmental planning and assessment of development proposals.</p> <p>The proposed development is to be assessed under Part 4 of the EP&A Act. The study area is located wholly on biodiversity certified land (Figure 2), which does not require further biodiversity assessment or approval under the BC Act, if consistent with the Sydney Region Growth Centres SEPP 2006 and the Phase 2 of the DCP (discussed in Section 4 of this report).</p> <p>As such, this report has been prepared to provide evidence that the study area is located wholly on biodiversity certified land under the Sydney Region Growth Centres SEPP and demonstrate consistency with other NSW planning and assessment legislation below.</p> |

| Act | Relevance to Project |
|--|---|
| <i>Biodiversity Conservation Act 2016</i> (BC Act) | <p>The study area is located wholly on biodiversity certified land under section 8.2 of the BC Act as part of the Sydney Region Growth Centres SEPP 2006 (Figure 2). Biodiversity certification removes the need for biodiversity assessment under BC Act.</p> <p>This report provides evidence of biodiversity certification and consistency with planning controls.</p> |

2.3. Environmental Planning Instruments (EPIs)

Table 3: EPIs relevant to the Project

| Planning Instrument | Relevance to Project |
|--|--|
| <p><i>State Environmental Planning (Biodiversity and Conservation) 2021</i> and Biodiversity Conservation SEPP</p> | <p>Strategic Conservation Planning</p> <p>The study area is within the biodiversity certified land under the Sydney Region Growth Centres SEPP, for which controls are provided under Chapter 13 of the Biodiversity and Conservation SEPP. However the study area is not subject to development controls 13.3 – Avoided Land; 13.4 Strategic Conservation Asea; or 13.5 Certified Urban Capable land.</p> <p>Koala Habitat Protection</p> <p>In accordance with Schedule 2 of the Biodiversity and Conservation SEPP, Chapter 4 Koala Habitat Protection 2021 applies to the Liverpool City Council LGA.</p> <p>However, as per Clause (3.c) of Section 4.4, this chapter does not apply to land on which biodiversity certification has been conferred, and is in force, under Part 8 of the <i>Biodiversity Conservation Act 2016</i>.</p> <p>Therefore, no further consideration of koala habitat protection under the SEPP is required.</p> |
| <p><i>State Environmental Planning (Precincts – Western Parkland City) 2021</i> Western Parkland City SEPP</p> | <p>Chapter 4 – Western Sydney Aerotropolis</p> <p>Land Zoning</p> <p>The study area is zoned MU (Mixed Use) under Chapter 4 of the SEPP (Figure 3).</p> <p>High Biodiversity Values</p> <p>Section 4.25 and 4.25A of the SEPP provides controls for clearing native vegetation in the Aerotropolis Precinct. The controls apply to the Environment and Recreation Zone and existing vegetation shown on the High Biodiversity Values Map. The subject site is not within either of these areas and therefore these controls do not apply (Figure 4).</p> |
| <p>Western Sydney Aerotropolis Precinct Plan (Amendment 1 – May 2023) (Precinct Plan)</p> | <p>The Precinct Plan is created under the Western Parkland City SEPP and provides direction for development layouts within the Aerotropolis. This Precinct Plan establishes the strategic vision and general objectives, proposed land uses, performance criteria for development of land and the approach to both infrastructure and water cycle management among other factors.</p> <p>In relation to biodiversity, the Precinct Plan requires the visions of the Western Parkland City to be met. It states in relation to the Agribusiness Precinct that:</p> <p><i>Development in the Precinct will build on the existing topography and natural features. Open spaces have been identified in strategic locations to protect creek corridors and areas of high biodiversity significance, and to improve access to open space for residents in Luddenham Village. Access and connection with Country will be facilitated and encouraged to enable opportunities for recreation, education, employment and business.</i></p> <p><i>The Precinct will build on successful agricultural operations and develop new agribusiness opportunities while protecting and embracing important vegetation within the landscape. This includes the development of integrated food and supply chain-related industries particularly those that rely on the skills of the growing population in the Western Parkland City.</i></p> |

| Planning Instrument | Relevance to Project |
|---|---|
| | <p>The study area is located within the mixed-use precinct of the Aerotropolis and is entirely certified under the South West Growth Centres Land Certification. Discussion of the Project’s consistency with the Precinct Plan is provided in Section 4.2.1.</p> |
| <p>Western Sydney Aerotropolis Phase 2 Development Control Plan (Phase 2 DCP)</p> | <p>The Phase 2 DCP is prepared under Part 3, Division 3.6 of the EP&A Act and provides planning, design and environmental objectives and controls which will inform the preparation and assessment of Development Applications (DAs) and masterplans. The objectives supplement those provided under the Western Parkland City SEPP and the Aerotropolis Precinct Plan.</p> <p>The study area is located within the mixed-use precinct of the Aerotropolis, to which the Phase 2 DCP applies. The Project’s consistency with the Phase 2 DCP is discussed in Section 4.3.</p> |



Figure 2: Biodiversity certification under the South West Growth Centres Land Certification



Figure 3: Land zoning (Western Parkland City SEPP)

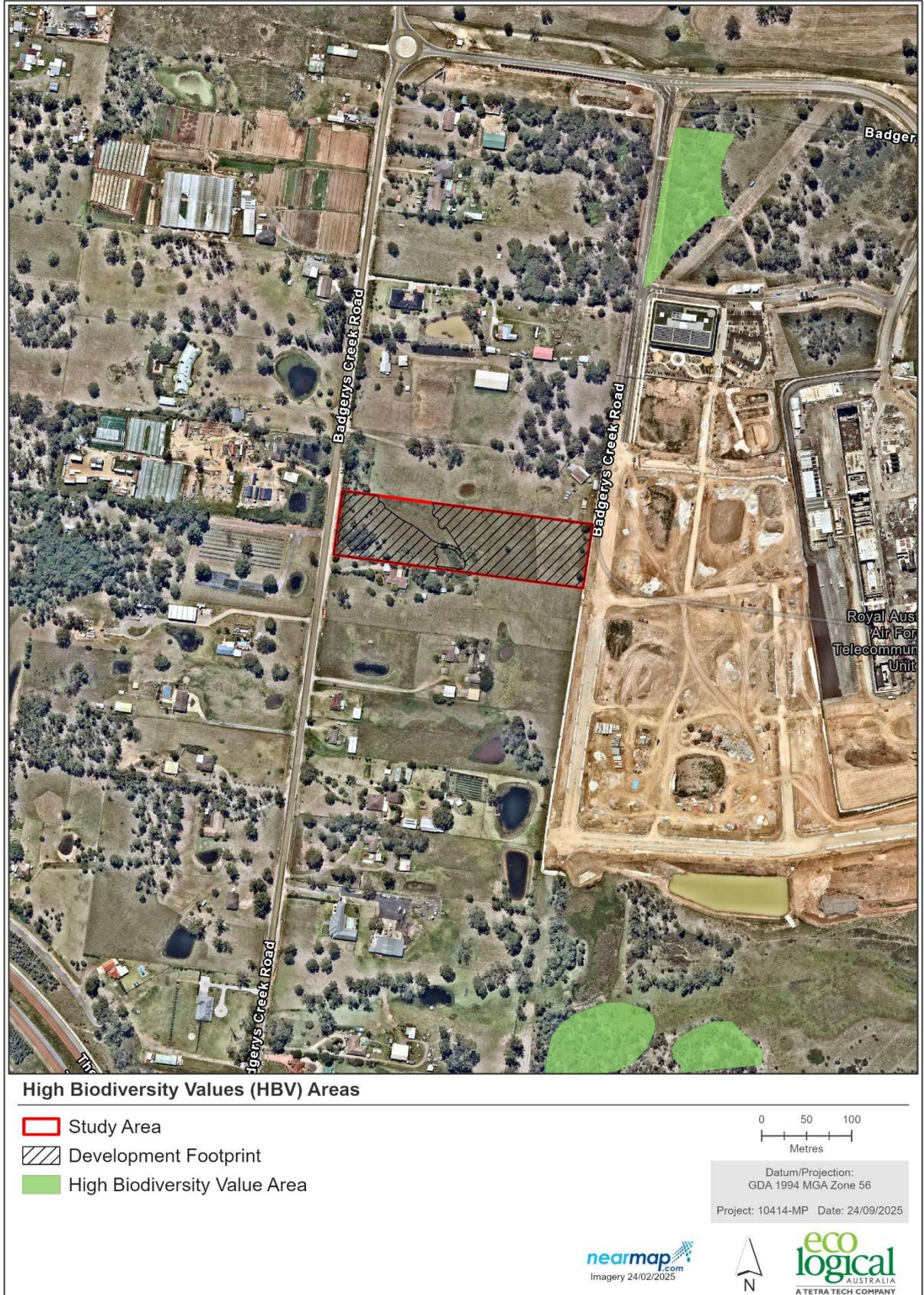


Figure 4: High Biodiversity Value (Western Parkland City SEPP)

3. Existing Biodiversity Values

3.1. Field survey results

A field survey was carried out by ELA Ecologist Michael Gregor on 30 April 2025. The purpose of the field survey was to identify biodiversity values and vegetation communities within the study area. While the study area requires no further assessment under the BC Act or EPBC Act, an understanding of the site is required in order to address relevant Performance Outcomes within the Phase 2 DCP, and to provide guidance on the management of biodiversity during pre-construction and construction activities. Biodiversity management has been addressed in a separate report (ELA 2025a).

The field survey identified two (2) Plant Community Types (PCTs) within the study area, being PCT3320 (Cumberland Shale Plains Woodland) and PCT3975 (Southern Lower Floodplain Freshwater Wetland), both in low to moderate condition. The study area was dominated by cleared and exotic vegetation, including the following exotic grasses:

- *Cenchrus clandestinus* (kikuyu)
- *Cirsium vulgare* (scotch thistle)
- *Chloris gayana* (rhodes grass)
- *Setaria parviflora* (pigeon grass)
- *Paspalum dilatatum* (paspalum)
- *Sida rhombifolia* (Paddy's lucerne)
- *Verbena bonariensis* (purpletop) and
- *Plantago lanceolata* (lamb's tongues)

As shown in Figure 4, none of the biodiversity values on site were mapped as High Biodiversity Value (ENV) under the SEPP (Western Parkland City) 2021.



Figure 5: Exotic dominated understorey



Figure 6: Exotic dominated shrub layer



Figure 7: Exotic dominated shrub layer



Figure 8: Exotic dominated understorey



Figure 9: Exotic grassland



Figure 10: Heavily grassed exotic grassland

3.1.1. Plant Community Types (PCTs)

The majority of the study area contains previously cleared, exotic vegetation, along with planted native and exotic vegetation in patches throughout the study area. The field survey identified two (2) native PCTs within the study area in two condition states:

- PCT 3320 Cumberland Shale Plains Woodland (Moderate)
- PCT 3320 Cumberland Shale Plains Woodland (Low)
- PCT3975 Southern Lower Floodplain Freshwater Wetland (Moderate)
- PCT3975 Southern Lower Floodplain Freshwater Wetland (Low)

PCT 3320 Cumberland Shale Plains Woodland

PCT 3320 Cumberland Shale Plains Woodland was present in moderate and low condition within the study area. PCT 3320 (Moderate) was found on the western side of the study area and was characterised by a sparse canopy, exotic midstory and a mixed native and exotic ground layer. The canopy cover was approximately 10% with *Eucalyptus moluccana* (grey box) dominant. A layer of regenerating canopy species was also present. The midstorey was exotic with only a low cover (~20% cover) of *Olea europaea* subsp. *cuspidata* (African olive) present. The ground layer native species present (~40% cover) included *Cynodon dactylon* (couch), *Dichondra repens* (kidney weed), *Einadia trigonos* (fishweed), *Euchiton sphaericus* (star cudweed), *Glycine clandestine* (twining glycine), *Hypericum gramineum* (small St John's wort), *Microlaena stipoides* var. *stipoides* (weeping grass), *Oxalis perennans* (Wood-sorrel), *Rytidosperma* spp. (wallaby grass), *Solanum prinophyllum* (forest nightshade), *Themeda triandra* (kangaroo grass), *Veronica plebeia* (trailing speedwell) and *Wahlenbergia gracilis* (sprawling bluebell). The ground layer was included a low cover weed species (<25% cover) including *Araujia sericifera* (moth vine), *Asparagus aethiopicus* (asparagus fern), *Asparagus asparagoides* (bridal creeper), *Axonopus fissifolius* (carpet grass), *Bidens subalternans* (greater beggar's tick), *Cenchrus clandestinus* (kikuyu), *Cirsium vulgare* (scotch thistle), *Chloris gayana* (rhodes grass), *Ehrharta erecta* (panic veldtgrass), *Hypericum perforatum* (St. Johns wort), *Setaria parviflora* (pigeon grass), *Paspalum dilatatum* (paspalum), *Sida rhombifolia* (Paddy's lucerne), *Verbena bonariensis* (purpletop) and *Plantago lanceolata* (lamb's tongues).

PCT 3320 (Low) was found on the eastern side of the project area and was characterised by a single canopy tree, absent midstory and an exotic ground layer. The trees were isolated *Eucalyptus moluccana* (grey box). The ground layer matched the condition of the cleared / exotic grassland that surrounded it with a high cover of *Chloris gayana* (rhodes grass), *Setaria parviflora* (pigeon grass), *Paspalum dilatatum* (paspalum) and *Verbena bonariensis* (purpletop) present.

The occurrence of PCT 3320 (moderate) and (low) within the Project Site met the Final Determination definition of *Cumberland Plain Woodland in the Sydney Basin Bioregion* (NSW SC 2009) for the following reasons:

- The patches occur at around 77-81 m elevation, which is within the described range of up to 350 m.
- The landform pattern where the patches are found matches that described in the Final Determination of flat to undulating or hilly terrain.

- The species composition within all strata of the patches overlaps well with the assemblage of species detailed in the Final Determination as being characteristic of Cumberland Plain Shale Woodlands.

This PCT can also be associated with the federally listed community *Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest* (EPBC Act). Under the EPBC Act, a patch of vegetation must meet condition thresholds for it to be considered the EPBC listed community. These criteria are based on the percent cover of native canopy and ground layer as well as the patch size. The patches mapped as PCT 3320 in moderate and low condition within the study area did not meet the minimum patch size criteria (> 0.5 ha) and therefore do not represent Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest as defined by the EPBC Act (TSSC 2009).

PCT 3975 Southern Lower Floodplain Freshwater Wetland

PCT 3975 Southern Lower Floodplain Freshwater Wetland was present in moderate and low condition within the study area. PCT 3975 (moderate) was present as a dam in the southern section of the study area. The vegetation was native dominated with only a low cover of exotic species present. The native species present included *Juncus usitatus* (common rush), *Ludwigia peploides* subsp. *montevidensis* (water primrose), and *Persicaria decipiens* (slender knotweed). The weeds present included *Cenchrus clandestinus* (kikuyu) and *Paspalum dilatatum* (paspalum). PCT 3975 (low) was found along two drainage lines that flowed from the north down to the patch of PCT 3975 (moderate) in the south. These drainage lines were mostly exotic with a high cover of *Paspalum dilatatum* (paspalum) present and a low native cover of *Juncus usitatus* (common rush) also present.

The occurrence of PCT 3975 in moderate and low condition within the study area does not meet the Final Determination definition of *Freshwater Wetlands on coastal floodplains* as artificial wetlands created are not regarded as part of this community (NSW SC 2010).

3.1.2. Exotic Vegetation

The majority of the vegetation present on the study area was in the form of exotic shrubs and grasses located in previously cleared areas. Species commonly present included exotic grassland dominated by *Cenchrus clandestinus* (kikuyu), *Cirsium vulgare* (scotch thistle), *Chloris gayana* (rhodes grass), *Setaria parviflora* (pigeon grass), *Paspalum dilatatum* (paspalum), *Sida rhombifolia* (paddy's lucerne), *Verbena bonariensis* (purpletop) and *Plantago lanceolata* (lamb's tongues). It also included the exotic trees located to the east of the PCT 3975 (moderate) which included *Cydonia oblonga* (quince), *Robinia* sp., *Olea europaea* subsp. *cuspidata* (African olive) and *Salix* sp. (willow).

PCTs and non-native vegetation are summarized in Table 4 below and presented in Figure 11.

Table 4: PCTs, planted vegetation and other validated land types

| PCT ID | Description / PCT Name | | | Vegetation Class | | Vegetation Formation | Study Area (ha) |
|--|--|--------------|---------------|--------------------------|--------|----------------------|-----------------|
| Native PCTs | | | | | | | |
| PCT 3320 | <i>Cumberland Woodland (Moderate)</i> | <i>Shale</i> | <i>Plains</i> | Coastal Valley Woodlands | Grassy | Grassy Woodlands | 0.23 |
| PCT 3320 | Cumberland Woodland (Low) | Shale | Plains | Coastal Valley Woodlands | Grassy | Grassy Woodlands | 0.02 |
| PCT 3975 | Southern Freshwater Wetland (Moderate) | Lower | Floodplain | | | | 0.02 |
| PCT 3975 | Southern Freshwater Wetland (Low) | Lower | Floodplain | | | | 0.15 |
| Planted vegetation and other validated land types | | | | | | | |
| - | Planted Native | | | - | | - | 0.02 |
| - | Exotic / Cleared | | | - | | - | 1.59 |
| Total | | | | | | | 2.03 |

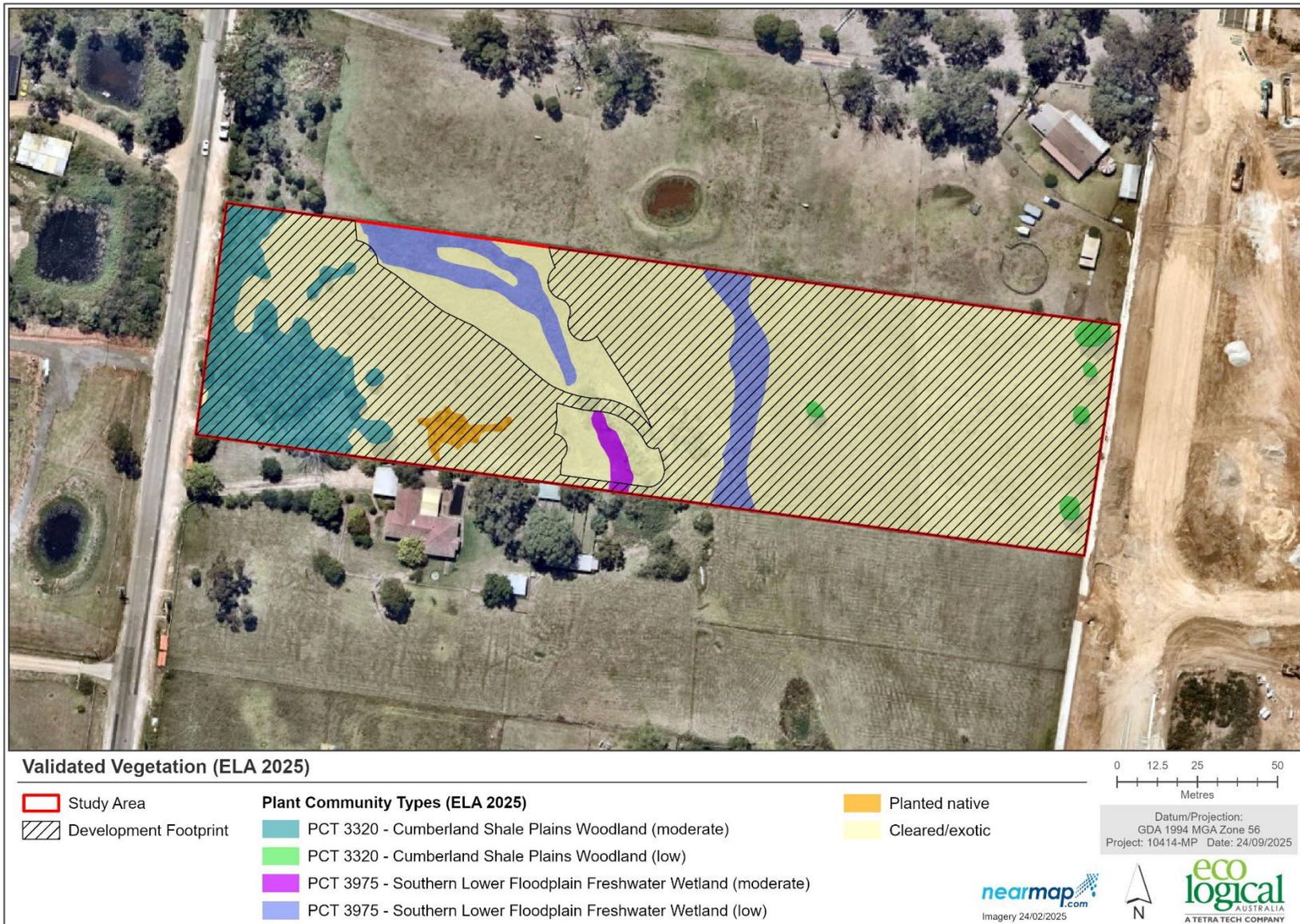


Figure 11: Plant Community Types (PCTs) and other validated land types

3.2. Fauna Habitat

3.2.1. Hollow-bearing trees (HBTs)

Hollow-bearing trees (HBTs) can provide potential roosting and breeding habitat for a range of fauna species, depending on the size of the hollow. Survey for HBTs was completed across the study area which did not identify the presence of any hollows.

3.2.2. Nest trees

No nests were identified during the survey of the study area.

3.2.3. Farm dams

One dam is located within the study area. Dams provide potential habitat for amphibian, reptile, and microbat species. This dam is within land to be retained.

4. Consistency with Planning Framework

All impacts to native vegetation will occur on biodiversity certified land. Due to the format of development proposed within the study area, it is not possible to retain vegetation. The biodiversity certification of the study area and consistency of the proposed development with the planning framework is described below.

4.1. Biodiversity Certification

4.1.1. *Biodiversity Conservation Act 2016*

The entirety of the study area is located on biodiversity certified land under the Order to Confer Certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 which was then transitioned to biodiversity certified land under the Biodiversity Conservation Act 2016. Section 8.4(2) of the BC Act describes the effect of biodiversity certification in relation to development under Part 4 of the EP&A Act stating:

‘An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the EP&A Act 1979’.

These impacts will be managed and mitigated by future street tree plantings, as well as appropriate management in accordance with the BMP (ELA 2025a).

4.1.2. EPBC Act - Matters of National Environmental Significance

The EPBC Act establishes a process for assessing the environmental impact of activities and developments where Matters of National Environmental Significance (MNES) may be affected. Under the Act, any action which ‘has, will have, or is likely to have a significant impact on a matter of MNES’ is defined as a controlled action, and requires approval from the Commonwealth Department of Climate Change, Energy, the Environment and Water (Commonwealth DCCEEW), which is responsible for administering the EPBC Act.

On 28th February 2012, the Commonwealth Minister for the Environment announced that the program of development activities within the Growth Centres was approved under the EPBC Act Strategic Assessment process. Specifically, all actions associated with the development of the Western Sydney Growth Centres as described in the Sydney Growth Centres Strategic Assessment Program Report (Nov 2010) have been assessed at the strategic level and approved in regard to their impact on the following Matters of National Environmental Significance:

- World Heritage Properties
- National Heritage Places
- Wetlands of International Importance
- Listed threatened species and communities
- Listed migratory species

These decisions indicate that the Commonwealth is satisfied that the conservation and development outcomes that will be achieved through the Western Sydney Growth Centres Program will satisfy their requirements for environmental protection under the EPBC Act.’

As such, no further assessment of Matters of National Environmental Significance (MNES) is required under the EPBC Act for the development.

4.2. Western Parkland City SEPP

4.2.1. Western Sydney Aerotropolis Precinct Plan 2022

Part 4.7 of the Western Parklands City SEPP provisions for development of Precinct Plans and requires development within the Aerotropolis to be consistent with the Western Sydney Aerotropolis Precinct Plan (DPE 2023). The Precinct Plan was adopted in 2022 and updated (Amendment 1) in May 2023.

The study area is located in the Aerotropolis Core Precinct. Table 5 provides a comparison of the Aerotropolis Precinct Plan objectives and controls with the Project.

Please note that objectives relating to water cycle management, stormwater, landscaping or arboriculture have not been addressed in Table 5 below.

Table 5: Consistency with Aerotropolis Precinct Plan (DPE 2023)

| Objectives (BGO) and Requirements (BG) | Compliance |
|--|---|
| 4.5 Blue-Green Infrastructure Framework | |
| <i>BGO1 To integrate blue and green systems across the Aerotropolis for water quality management, biodiversity and recreation.</i> | |
| <p>BG1 Development is to contribute to the establishment of the blue-green infrastructure framework for the Aerotropolis in accordance with Figure 5.</p> | <p>In accordance with Figure 5 of the Precinct Plan (Figure 12), the study area does not contain land designated for stormwater infrastructure under the blue-green grid.</p> |
| 4.5.4 Biodiversity and vegetation corridors | |
| <i>BGO1 Achieve the objectives of, and implement, the Cumberland Plain Conservation Plan.</i> | |
| <i>BGO2 Achieve the vision of a Western Parkland City and maintain Wianamatta-South Creek Corridor as a regionally significant ecological corridor.</i> | |
| <i>BGO3 Protect areas of high biodiversity value including watercourses and riparian zones, Existing Native Vegetation and remnant vegetation and habitat of the Cumberland Plain.</i> | |
| <i>BGO4 Increase and improve landscape connectivity through conservation and restoration of native vegetation to enable plant and animal communities to survive in the long term.</i> | |
| <i>BGO5 Support long-term viability and ecological connectivity by ensuring development does not encroach on protected land and any ecological restoration program selects species that are resilient to a changing climate.</i> | |
| <p>BG1 Existing Native Vegetation and other vegetation under the Cumberland Plain Conservation Plan (refer to Figure 7) is to be protected as required by the Aerotropolis SEPP. Development applications are to demonstrate, to the satisfaction of the consent authority, that measures are in place to protect and provide for the long-term management of the vegetation to achieve biodiversity conservation outcomes under the Growth Centres Biodiversity Certification Order or the Cumberland Plain Conservation Plan as relevant.</p> | <p>N/A - Existing Native Vegetation (ENV), referred to as HBV within this Precinct is not present within the study area (Figure 13).</p> |
| <p>BG2 Recreation facilities, pathways and other infrastructure are not to be located on land referred to in Requirement BG1.</p> | <p>N/A – The study area does not contain land referred to in Requirement BG1 above.</p> |

| Objectives (BGO) and Requirements (BG) | Compliance |
|---|---|
| <p>BG3 Revegetation and landscaping are designed and managed to account for future climatic conditions and include climate ready species. Resources relating to climate-ready species are available at https://www.mq.edu.au/data/assets/pdf_file/0006/807666/Climate-Reveg-Guide-v2-2018.pdf</p> | <p>Landscaping will be managed under a landscape plan and will aim to select species that are climate ready in accordance with the <i>Climate Revegetation Guide</i> (Hancock <i>et al.</i> 2018) wherever possible.</p> |
| <p>BG4 Development applications are to demonstrate:</p> <ul style="list-style-type: none"> a. reuse of native plants (including but not limited to seed collection) and top soil from development sites that contain known or potential native seed bank. Appropriate uses may include, but are not limited to, application in re-vegetation or restoration works and landscaping in the precincts, b. the relocation of native animals from development sites, prior to development commencing. | <p>Collection of topsoil and associated native seedbank for reuse in landscaping across the study area is not recommended. Natural regeneration was not observed onsite, and topsoil has been heavily disturbed and compacted by historic and ongoing agricultural land use.</p> <p>Prior to construction, a preclearance survey will be undertaken to ensure any native fauna using habitat features across the site (nests, dreys, buildings) are identified and relocated in accordance with the Fauna and Flora Management Plan (FFMP) (ELA 2025). Similarly, dams to be removed will be subject to a DDP and any native fauna present in the dams will be relocated appropriately.</p> |

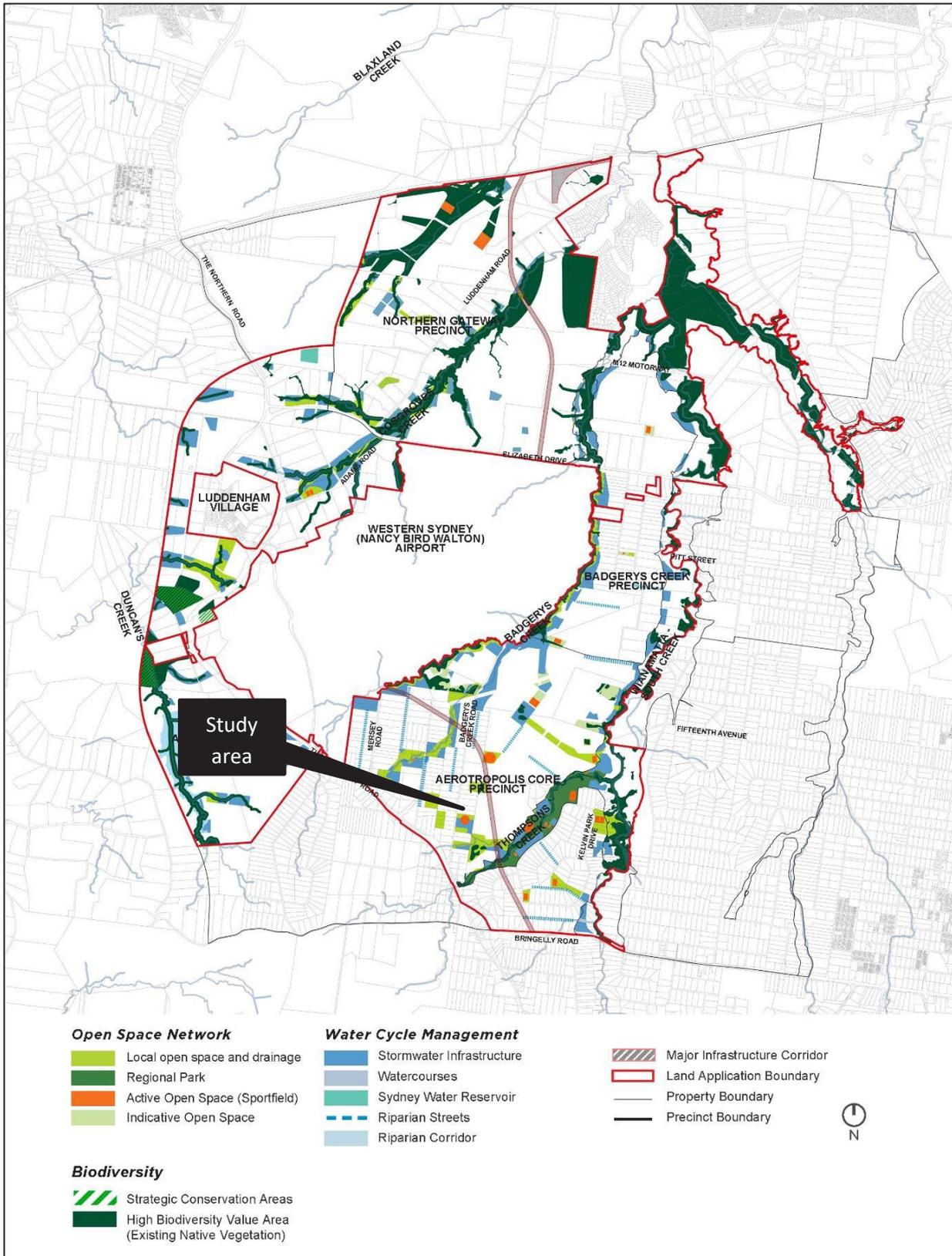


Figure 12: Blue-Green Infrastructure Network (Figure 5 of Precinct Plan, DPE 2023)

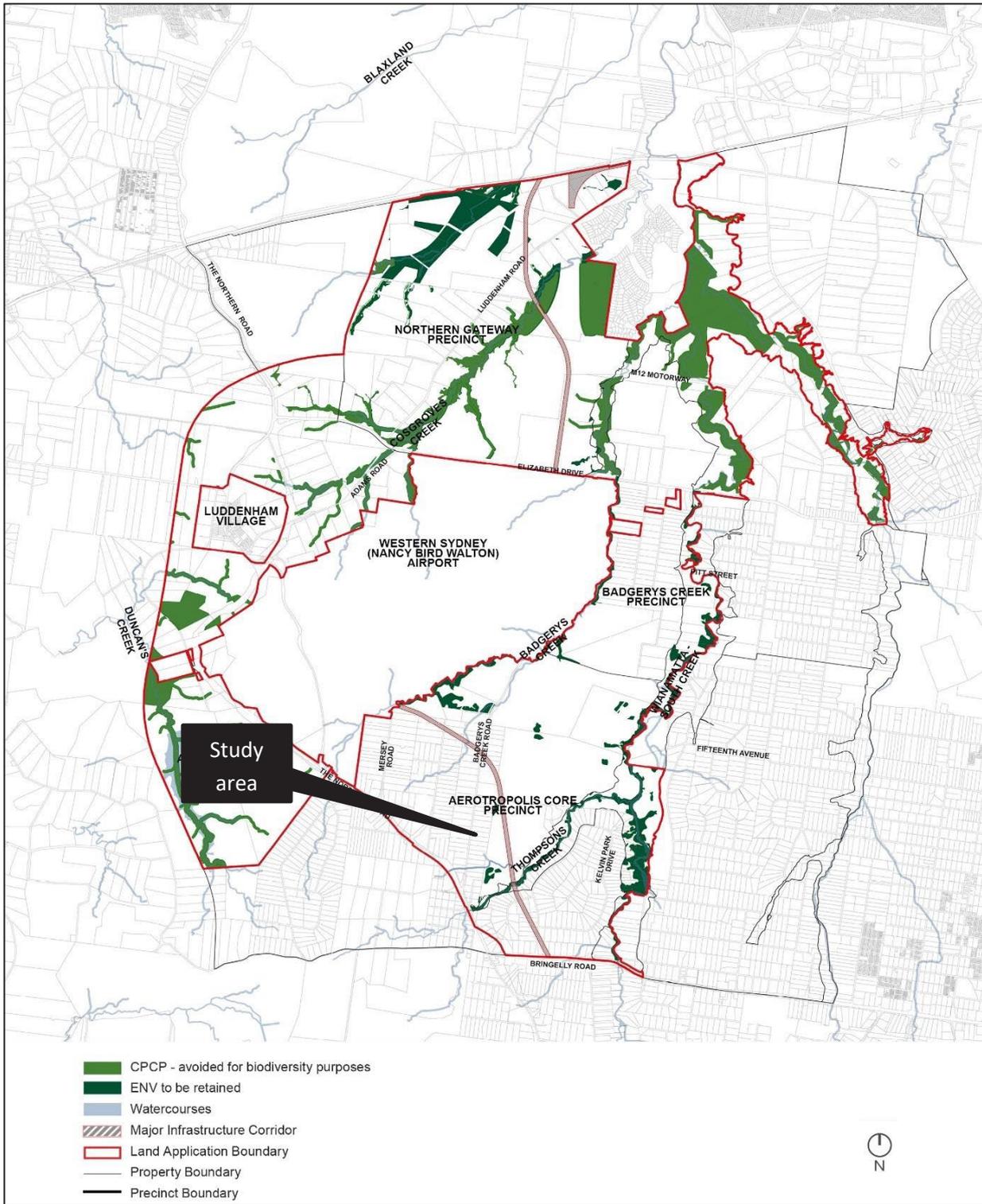


Figure 13: Protected Existing Native Vegetation (ENV) (Figure 7 of the Precinct Plan, DPE 2023)

4.3. Western Sydney Aerotropolis Development Control s 2022 Phase 2

The *Western Sydney Aerotropolis Development Control Plan – Phase 2 (Amendment 1)* (Phase 2 DCP) was finalised in September 2024 and applies to the study area. Chapter 2.4.2 and 2.4.3 of the DCP provide general controls relevant to the protection of biodiversity in relation to specific performance outcomes. Table 6 below addresses the performance outcomes relating to biodiversity, noting that landscaping and arboricultural specific controls are not address in this report.

Table 6: Phase 2 DCP Performance Outcomes

| Performance Outcome | Benchmark Solution | Response |
|--|---|---|
| Chapter 2.4.2 – Protection of Biodiversity | | |
| PO2 Populations of threatened species are retained, and the condition of suitable habitat improves within areas of the Cumberland subregion most likely to support long-term viability. | <ol style="list-style-type: none"> 1. Mitigation to be undertaken in accordance with the following best practice guidelines for threatened ecological communities (TEC): <ol style="list-style-type: none"> a. <i>Best Practice Guidelines: Cooks River/Castlereagh Ironbark Forest</i> (NSW Department of Environment and Climate Change, 2008) within and adjacent to the TEC; and b. <i>Recovering Bushland on the Cumberland Plain: Best Practice Guidelines for the Management and Restoration of Bushland</i> (NSW Department of Environment and Climate Change, 2005). 2. Fencing is to be constructed where required to protect threatened species habitat. Site design allows access to fencing for ongoing maintenance. 3. Temporary protective fencing to be erected around areas identified for conservation on or immediately adjoining the site prior to construction commencing. 4. Allow public access to temporary fencing to ensure ongoing maintenance throughout construction. 5. Protect integrity of temporary fencing during construction. 6. Implement open structure design for roads adjacent to known populations of Cumberland Plain Land Snail in accordance with actions under the <i>Save our Species Program</i> (EES, 2020). 7. Locate Asset Protection Zones (APZs) for bushfire protection wholly within certified land. The appropriate APZ distance is determined by | <p>Recovery or regeneration of bushland in accordance with <i>Recovering Bushland on the Cumberland Plain: Best Practice Guidelines for the Management and Restoration of Bushland</i> is not relevant or required. The study area does not contain protected land (HBV or Avoided Land), extensive and connected bushland, nor proposed to restore bushland as part of the proposal.</p> <p>Details of temporary fencing will be provided within a Construction Environment Management Plan (CEMP) to ensure impacts are limited to approved impacts and certified land. The entirety of the study area is biodiversity certified under the Growth Centres Biodiversity Certification. Minimal fauna habitat was observed on site, with no hollow-bearing trees within the patch of PCT 3320. Reuse of materials (e.g. woody debris) is not appropriate for this site.</p> <p>The entirety of the site is biodiversity certified and therefore the proposed Asset Protection Zones (APZs) will be compliant with the benchmark solution and consistent with <i>Planning for Bush Fire Protection 2019</i> and <i>Rural Fire Service Standards for Asset Protection</i> based on vegetation type, slope and development type.</p> <p>The entirety of the site is biodiversity certified and therefore domestic cats and dogs will be appropriately contained, consistent with relevant council guidelines as permitted and appropriate.</p> |

| Performance Outcome | Benchmark Solution | Response |
|---|--|---|
| | <p><i>Planning for Bush Fire Protection 2019</i> and <i>Rural Fire Service Standards for Asset Protection</i> based on vegetation type, slope and development type.</p> <p>8. Contain domestic cats and dogs within biodiversity certified land, consistent with relevant council guidelines as permitted and appropriate.</p> <p>9. Provide for the reuse of native plants (including but not limited to seed collection) and topsoil from development sites that contain known or potential native seed bank.</p> | <p>Seed collection of native vegetation is not recommended. Limited potential for native seed bank was identified, with ongoing agricultural land use compacting soils and no natural regeneration observed. High exotic and weed coverage were observed across the study area. Weeds and associated topsoil should be disposed of appropriately to limit the potential spread of propagules.</p> |
| <p>PO3 Development facilitates the connected movement of native animals through the landscape.</p> | <p>1. Avoid impacts to habitat features which provide essential habitat for native fauna including ground cover and shrub layers, emerging trees, mature trees, dead trees capable of providing habitat, natural drainage lines and rock outcrops and avoid impacts to soil within the Tree Protection Zone (TPZ) of the retained trees and the subject and neighbouring sites.</p> <p>2. Movement of fauna is facilitated within and through wildlife corridors by:</p> <ol style="list-style-type: none"> Ensuring that development, services and landscaping associated activities do not create barriers to the movement of fauna along and within wildlife corridors. Protect fauna from potential construction hazards during pre-construction and construction. Prepare a pre-clearance native fauna survey immediately prior to clearing of native vegetation to ensure that arboreal mammals, roosting and hollow-using birds, bats and reptiles are stopped from accessing any vegetation to be cleared and are translocated prior to clearing. Translocation may require a licence from NSW Environment, Energy and Science under the Translocation Operational Policy. Adopt and implement open structure design for roads adjacent to known populations of the Cumberland Plain Land Snail in | <p>N/A – wildlife corridors are not present within the study area.</p> |

| Performance Outcome | Benchmark Solution | Response |
|---|--|--|
| | accordance with actions under the NSW Government's <i>Saving Our Species</i> program. | |
| PO4 Within land subject to the Cumberland Plain Conservation Plan only, development adjoining conservation areas provides ecological setbacks to threatened species. | <p>1. The following threatened species require setbacks:</p> <p>Grey-headed flying fox:</p> <ul style="list-style-type: none"> i Grey-headed flying fox camp requires 100m setback to any buildings and development; ii The setback area should be maintained free of flying fox roosting habitat; and iii A flying fox management plan should be provided to demonstrate management and mitigation measures. <p>Raptors:</p> <ul style="list-style-type: none"> i Raptor nests require a 500m circular setback from where nests are in extensive undisturbed bushland; and ii Where nests are located closer to existing developments, a minimum circular setback distance of 250m should be maintained along with an undisturbed corridor at least 100m wide extending from the nest to the nearest foraging grounds. | N/A - The development is not located within 100 m of a Grey-headed Flying-fox camp (DCCEEW 2024). No raptor species were assessed as potentially or likely to be using the study area; no large hollows were observed. |
| PO5 Noise and light adjacent, and near, conservation areas does not result in any disturbance to wildlife. | <p>1. High intensity lighting including industrial or commercial lighting, sports field lighting, lighting within carparking areas and associated with any industrial or commercial-scale retail development shall be designed to avoid light spill into adjoining parks and biodiversity areas (AS 4282 Control of the Obtrusive Effects of Outdoor Lighting, or updates to that standard, are to be considered as a minimum).</p> <p>2. Install warm coloured LED street lighting where a development footprint contains or is within 100m of known microbat colonies or habitat likely to support microbat colonies to deter insects.</p> <p>3. Manage light spill and noise producing activities where wildlife impacts are likely to arise from the proposed development and where development is adjacent to avoided land. Measures shall include</p> | <p>Lighting is recommended to be in accordance with <i>ASNZS 4282:2019 Control of the obtrusive effects of outdoor lighting</i>. Measures such as shielding and use of warm-toned lights are recommended.</p> <p>Suitable timing of construction activities will be implemented, in accordance with the standard daytime hours, to avoid noise impacts to wildlife during the evening and night. Such measures are contained within the BMP (ELA 2025a).</p> |

| Performance Outcome | Benchmark Solution | Response |
|---|--|---|
| | <p>appropriate noise treatment barriers along major roads and other light and noise attenuation mitigation measures.</p> <p>4. Ensure that any residual noise impacts on wildlife arising from development are appropriately mitigated.</p> | |
| <p>PO7 Retain and protect koala populations and their habitats through mitigating indirect and ongoing impacts from development.</p> | <p>1. For all certified-urban capable land adjacent to koala habitat, the following controls apply:</p> <ul style="list-style-type: none"> a. Design subdivision layout, including perimeter roads and asset protection zones to reduce impacts to, and protect areas of, adjacent koala habitat. b. Signpost areas adjoining koala habitat to identify koalas in the area and associated penalties for non-compliance. c. Exclude planting tree species in open space, recreation areas and urban streets that are koala feed tree species set out below by Schedule 2 – Central and Southern Tablelands and Central Coast Koala Use Tree Species of the State Environmental Planning Policy (Koala Habitat Protection) 2021. d. An ecologist shall be present through the duration of any pre-clearance koala surveys and vegetation clearing works to maintain oversight and responsibility of the activities and koala translocation. <p>2. Where a koala exclusion fence is not installed between koala habitat and certified-urban capable land, the following development controls apply:</p> <ul style="list-style-type: none"> a. Prepare a pre-clearance koala survey immediately prior to the removal of native vegetation to ensure minimal disturbance to koala habitat. Implement a translocation plan if koalas are found. Translocation may require a licence from NSW Environment, Energy and Science (EES) under the Translocation Operational Policy. b. Implement a tree-felling protocol to avoid impacts to koalas in trees to be cleared. | <p>N/A - Koalas have not been recorded within or nearby the study area. The study area is within a koala management area under Chapter 4 of the Biodiversity and Conservation SEPP, however, as per Clause (3.c) of Section 4.4, this chapter does not apply to land on which biodiversity certification has been conferred, and is in force, under Part 8 of the <i>Biodiversity Conservation Act 2016</i>.</p> <p>The study area is not considered to contain or be adjacent to koala habitat. Furthermore, the study area is not located on certified-urban capable land under the meaning of the Cumberland Plain Conservation Plan.</p> <p>Regardless, mitigation measures to avoid indirect and ongoing impacts to habitat in the study area have been provided in Section 5. Specifically, a pre-clearance survey has been provided in the BMP (ELA 2025a) which will identify and relocate any fauna, including unlikely koala individuals, utilising the trees within the impact footprint prior to their removal.</p> |

| Performance Outcome | Benchmark Solution | Response |
|---------------------|---|----------|
| | <p>c. Enforce vehicle wash-down points for machinery, equipment and tyres prior to entering and leaving the construction site to control the spread of vegetation pathogens known to affect koala feed trees.</p> <p>Pre-construction Temporary Fencing</p> <p>d. Erect temporary protective fencing designed for koala protection to protect adjacent koala habitat on or immediately adjoining the site prior to construction to ensure koala protection.</p> <p>Dog Containment Fencing</p> <p>e. Design and construct public dog recreation areas with secure containment fencing.</p> <p>f. Design residential lots with dog containment fencing in accordance with Council requirements.</p> <p>Development Operation</p> <p>g. Manage roadside vegetation to increase the visibility of koalas.</p> <p>Vehicle Strike</p> <p>h. Implement traffic calming measures for all development</p> <p>i. Implement 40km/hr speed limit restrictions on local roads adjacent to koala habitat.</p> <p>ii. Install koala information signposts on perimeter roads and roads adjacent to wildlife habitat areas in accordance with Austroads, Roads and Maritime Services (RMS) technical guidelines, Council Guidelines and relevant Australian Standards.</p> <p>iii. Install traffic calming devices such as speed humps and audible surfacing along perimeter roads adjacent to koala habitat.</p> <p>iv. Install koala-friendly road design structures, such as underpasses, fauna bridges and overpasses as required. Reference to the RMS Biodiversity Guidelines is to be made.</p> | |

| Performance Outcome | Benchmark Solution | Response |
|---|---|--|
| Chapter 2.4.3 – Protection of Trees and Vegetation | | |
| PO1 Existing trees and vegetation are retained, protected, enhanced, and incorporated into the development, wherever possible. | <ol style="list-style-type: none"> 1. Development is designed to minimise impacts on trees, except for invasive species and/or noxious weeds. 2. Development is designed to minimise removal of trees (includes vehicular access, utility installations and ancillary development). | <p>Due to the large format of buildings and the need for bulk earthworks to create suitable levels, retention of trees on certified land is not feasible. No HBTs were found within the study area.</p> <p>Trees and vegetation removal will be completed in accordance with mitigation measures provided in the BMP (ELA 2025). To mitigate potential impacts to fauna, a preclearance survey must be undertaken prior to felling of trees and removal of other relevant habitat features such as buildings (ELA 2025).</p> |
| PO2 Minimise threats to the long-term survival of existing trees through tree preservation zones and pruning techniques. | <ol style="list-style-type: none"> 1. Works and construction activities are excluded within the Tree Protection Zone (TPZ) of trees unless a qualified arborist has assessed the tree and provided guidelines as to how the work can be carried out with minimal risk to the long-term survival of the tree and this has been included in an approved Tree Protection Plan (Drawing and Specification) 2. Any pruning or tree removal works that may impact threatened ecological communities are to adhere to the following best practice guidelines: <ol style="list-style-type: none"> a. Best Practice Guidelines: Cooks River/Castlereagh Ironbark Forest (Department of Environment and Climate Change NSW, 2008) within and adjacent to the threatened ecological community; and b. Recovering Bushland on the Cumberland Plain: Best Practice Guidelines for the Management and Restoration of Bushland (Department of Environment and Climate Change NSW, 2005). 3. Development is designed to avoid impacts on trees, except for priority weeds in accordance with the Council’s weed policy. 4. Existing trees have appropriate soil volumes and setbacks from buildings, footpath, road/kerb and gutter and services to provide sufficient space for root and canopy development to ensure the tree reaches its identified mature height and spread. | N/A - Existing trees across the study area will not be retained. |

| Performance Outcome | Benchmark Solution | Response |
|--|---|---|
| <p>PO3 Where hollow-bearing tree cannot be retained and are removed, they shall be replaced with nesting boxes, as close as possible to where the removed tree was located.</p> | <ol style="list-style-type: none"> 1. The removal of the hollow bearing trees shall be offset by the installation of nesting boxes. The size of the nest box is to reflect the size and dimensions of the hollow removed. Alternatively, the tree hollow could be appropriately mounted on one of the retained trees in a manner where it will not pose a risk to life or property. 2. All nesting boxes and hollows shall be mounted at least 5m above the ground. 3. Requirement for 60% of nest boxes (replacement habitat) to be in place prior to clearing of hollow-bearing trees. | <p>N/A – HBTs were not identified in the study area. No HBTs will be removed as a result of the proposed development.</p> |

5. Mitigating and Managing Impacts

Measures proposed to mitigate and manage impacts to the environment and native fauna within the study area before, during and after construction are detailed in the Fauna and Flora Management Plan (FFMP) (ELA 2025).

Pre-construction and construction activities are to be undertaken in accordance with the measures described in the BMP and subplans above to avoid accidental harm to fauna during clearing of vegetation and other habitat features (such as dams

6. Conclusion

This report has been prepared by ELA for Bradfield Corporation Pty Ltd (the Proponent) to support the Project at 135 Badgerys Creek Road, Bradfield NSW.

The study area is located wholly on biodiversity certified land under the BC Act. This report describes the vegetation within the study area, its biodiversity certification and consistency with the planning framework (Aerotropolis Phase 2 DCP and Aerotropolis Precinct Plan).

No further assessment of biodiversity under the BC Act or EPBC Act is required for the study area as a result of biodiversity certification. The development is consistent with the relevant controls across the planning framework, as described in Section 4. A BMP has been prepared in accordance with relevant Phase 2 DCP requirements to guide appropriate management of biodiversity before, during and after construction. This includes flora and fauna management procedures.

7. References

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